

**STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION**

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<b>In the Matter of</b>	)	
	)	
<b>Petition for Arbitration of XO ILLINOIS, INC. of an</b>	)	
<b>Amendment to an Interconnection Agreement with</b>	)	<b>DOCKET NO. 04-0371</b>
<b>SBC ILLINOIS INC. Pursuant to Section 252(b)</b>	)	
<b>of the Communications Act of 1934, as Amended</b>	)	

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**SBC ILLINOIS' OBJECTION TO XO'S MOTION TO FILE INSTANTER**

Illinois Bell Telephone Company ("SBC Illinois") by its attorneys, respectfully submits this opposition to the "XO Motion to File Instanter Its Response to SBC's October 8, 2004 Application For Rehearing" filed on October 15, 2004. ("Instanter Motion"). In support of this opposition, SBC Illinois states as follows:

1. XO Illinois, Inc. ("XO") filed a Petition for Arbitration with the Commission on May 3, 2004.
2. The Commission issued its Final Order on September 9, 2004.
3. On October 8, 2004, SBC Illinois filed its Application for Rehearing.
4. On October 15, 2004, XO filed the Instanter Motion by which it sought leave to file a response to SBC Illinois' Application for Rehearing. The sole grounds given were the alleged "great breadth and number of issues" raised by SBC Illinois in its Application for Rehearing. In reality, SBC Illinois' Application for Rehearing covers only 5 general topics and is limited to 23 pages. The Commission routinely entertains Applications for Rehearing in proceedings involving greater breadth and more issues than those present in this one, and does so without the additional pleadings requested here.

5. SBC Illinois filed its Application for Rehearing under Commission Rule 200.880 (83 Ill. Adm. Code Section 200.880). This rule provides a petitioning party the ability to file an application for rehearing and noticeably provides *no* opportunity for other parties to file a response or opposition to such application. This omission stands in stark contrast to other Commission rules, such as 200.190(e), which provides a standard 14 day interval for responding to a motion and a 7 day interval to reply to the response. The fact that the Commission must resolve an application for rehearing in 20 days means that there is simply no time for the standard response/reply briefing intervals that XO seeks here. XO has not demonstrated good cause for deviating from the rules of practice.

In light of this, and absent unusual or extraordinary circumstances, not present here, the Commission should follow its standard practice of discouraging responses to Applications for Rehearing and should deny XO leave to file such a response in this case.

Respectfully submitted,

ILLINOIS BELL TELEPHONE COMPANY

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One of Its Attorneys

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**CERTIFICATE OF SERVICE**

I, Mark R. Ortlieb, an attorney, certify that a copy of the foregoing **SBC ILINOIS' OBJECTION TO XO'S MOTION TO FILE INSTANTER** was served on the parties on the attached service list by U.S. Mail and/or electronic transmission on October 21, 2004.

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Mark R. Ortlieb

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